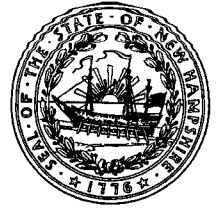




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-52**

September 09, 2004

Alan & Anne Doherty  
520 Water Street  
Wakefield, MA 01880

RE: DES Wetlands File #1999-00995 Route 28a, Alton Bay Tax Map 39, Lot 9

Dear Mr. and Ms. Doherty:

On August 20, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 39 as Lot 9 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

On May 28, 1999, DES received an application to replace 8 pilings supporting fingers of an existing U-shaped dock on the Property. An existing conditions plan of the Property by Winnepesaukee Marine Construction Co., Inc. dated 5/25/00 was submitted with the application to DES on May 28, 1999 (the "Plan"). The Plan shows a beach adjacent to the north side of a U-shaped docking facility comprised of an 8' x 26' 9" southerly pier, and a 6'2" x 26' northerly pier connected by a 3' x 10'4" walkway on the Property. During the inspection DES personnel documented the following deficiencies:

1. The Plan indicates that the docking facility is located approximately 52' from the northerly property line. During the inspection DES personnel documented that the docking facility measured approximately 40' from the northerly property line and is located partially in front of the existing beach area.
2. A 1'3" x 20'8" rock wall is installed between the preexisting beach and the new deck. The rock wall is not shown on the Plan. The 10'10" section of beach between to the northerly end of the rock wall and the landward retaining wall for the beach has been filled with gravel.
3. The northerly pier of the U-shaped dock is 7'6" x 35'3" which is 9'3" longer than specified by the Plan. There is a 7'6" x 12' crib supporting the pier.
4. The southerly hinged seasonal pier of the U-shaped dock is 4'11" x 40'9" which is 14' longer than specified by the Plan. The pier is hinged to a 3'8" x 20'4" concrete walkway along the shoreline. A comparison of photographs dated April 30, 1999 show an

unimpacted shoreline in the location of the current concrete walkway.

5. A 12' x 23'11" deck is installed adjacent to the northerly side of the U-shaped docking facility. The deck is supported by a 6' x 12' crib and wood posts.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency please submit the name of the contractor responsible for the work to DES.
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan include provisions for restoration of the Property to the existing conditions shown on the Plan. Submit the following with the application:
  - a. A plan with dimensions, drawn to scale, showing:
    - i. Existing conditions, with normal high water and property line boundaries; and
    - ii. Proposed conditions after removal of the deck, gravel, concrete walkway and retaining wall and restoration of the piers to the permitted dimensions;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area;
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

D. Forst  
Shoreland Program Supervisor  
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9291

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Alton Bay Conservation Commission  
Alton Bay Board of Selectmen  
USACOE  
Winnepesaukee Marine Construction Co